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09/744,595	01/26/2001	Kojiro Okamoto	0819-416	1644

7590

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EXAMINER

ORTIZ, JORGE L

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/744,595

Applicant(s)

OKAMOTO ET AL.

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. Correction is required. See MPEP § 608.01(b).  
Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: The word “date” should be “data”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. The language “so that even when false control information is copied into said primary recording region said false control information is ignored” recited in claim 4, lines 14-16 and claim 8, lines 10-12 is not a positive limitation.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Lokhoff et al. U.S. Patent No. 5,060,219.

Regarding claim 1, Lokhoff et al. discloses a disk-shaped recording medium comprising (See col. 6, lines 20-22):

a primary recording region (See Fig. 3a, 3e)

and a secondary recording region which is located on the side of an internal periphery of said primary recording region (See Fig. 3a, 3c),

wherein said primary recording region has a track which wobbles at a first pitch and along which a user is able to record a data signal (See col. 6, lines 33-35; Fig. 3a, 3e);

and wherein said secondary recording region has a track which wobbles at a second pitch different from said first pitch or does not wobble (See Fig. 3a, 3c),

and along which a signal representative of control information is already prerecorded in the form of information pits at the time of the manufacture of said recording medium (See col. 2, lines 50-58; col. 6, lines 30-33; Fig. 3a, 3c).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokhoff et al. U.S. Patent No. 5,060,219.

Regarding claim 2, Lokhoff et al. discloses all the limitation based on claim 1 as outlined above.

Lokhoff et al. discloses control information in said secondary recording region including invalid key information for inhibiting, when encrypted main data is copied into said primary recording region, recording of said main data (See col. 1, lines 41-68 to col. 2, lines 1-20, col. 3, lines 26-45).

But Lokhoff et al. does not expressly disclose inhibiting reproducing of said main data.

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include an invalid key information for inhibiting reproducing the main data

in order to recording/read a large number of different types of information, classifies the recording mediums in categories, which represent the type of the recording medium and prohibits the large-scale evasion of copyrights, as suggested by Lokhoff et al.

Regarding claim 3, Lokhoff et al. discloses al the limitation based on claim 1 as outlined above.

Lokhoff et al. discloses control information in said secondary recording region includes an identification information item and representative of the type of said recording medium (See col. 1, lines 44-68 to col. 2, lines 1-20).

But Lokhoff et al. does not expressly discloses that the identification information item its required a the time of reproduction.

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include an identification information item required at the time of reproduction in order to recording/read a large number of different types of information and classifies the recording mediums in categories, which represent the type of the recording medium, as suggested by Lokhoff et al.

8. Claims 4,5,6,7,8 9,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokhoff et al. U.S. Patent No. 5,060,219, in view of Muramatsu et al. Patent No. 5,926,453.

Regarding claim 4, Lokhoff et al. discloses all the limitation based on claim 1 as outlined above.

Lokhoff et al. discloses means for starting recording into said primary recording region according to said control information in said secondary recording region (See col. 1, lines 44-55).

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29), but Lokhoff et al. does not expressly disclose a reproducing apparatus for reproduction of main data recorded in said primary recording region.

However, this feature is well known in the art as evidenced by Muramatsu et al., which discloses a reproducing apparatus for the reproduction of main data recorded in said primary recording region (See col. 3, lines 7-17; col. 4, lines 25-26; Fig. 4), said reproducing apparatus comprising:  
means for spinning said recording medium at a constant linear velocity (See col. 3, lines 7-17; col. 4, lines 29-30; Fig. 4, ref. # 32 );  
a pickup for reading a signal from said recording medium under rotation (See col. 4, line 30; Fig. 4, ref. # 33);

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means by which a signal read position by said pickup follows said tracks of said recording medium (See col. 4, lines 31-32; col.5, lines 27-34; Fig. 4);

means for generating a tracking error signal from an output of said pickup (See col. 4, lines 50-56; Fig. 4);

means for shifting said pickup in a direction toward an internal periphery of said recording medium until said pickup reaches a specific point of said secondary recording region at which said tracking error signal no longer contains a signal component having a frequency which is determined by said first pitch relating to the wobbling of said track in said primary recording region and said constant linear velocity, so that even when false control information is copied into said primary recording region said false control information is ignored (See col. 4, line 50-63; col. 4, lines 64-67 to col. 5, lines 1-26);

and means for starting reproduction of said main data recorded in said primary recording region according to said control information in said secondary recording region represented by an output of said pickup shifted to said point of said secondary recording region (See col. 4, lines 30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include a reproducing apparatus for reproduction of main data recorded in said primary recording region as teaches by Muramatsu et al., in order to recording/read a large number of different types of information according to the control information in the secondary recording region which represent the type of the recording medium as suggested by Lokhoff et al.



Regarding claim 5, Lokhoff et al. in combination with Muramatsu et al. discloses all the limitation based on claim 4 as outlined above.

Lokhoff et al. further discloses control information in said secondary recording region including invalid key information for inhibiting, when encrypted main data is copied into said primary recording region, recording of said main data and wherein said recording apparatus further comprises means for canceling, when main data recorded in said primary recording region is encrypted, recording of said main data according to said invalid key information item. (See col. 1, lines 41-68 to col. 2, lines 1-20, col. 3, lines 26-45).

But Lokhoff et al. does not expressly disclose inhibiting reproducing of said main data.

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include an invalid key information for inhibiting reproducing the main data in order to recording/read a large number of different types of information, classifies the recording mediums in categories, which represent the type of the recording medium and prohibits the large-scale evasion of copyrights, as suggested by Lokhoff et al.

Regarding claim 6, Lokhoff et al. in combination with Muramatsu et al. discloses all the limitation based on claim 4 as outlined above.

Lokhoff et al. further discloses wherein said control information in said secondary recording region includes an identification information item representative of the type of said recording medium;  
and wherein said recording apparatus further comprises means for canceling, when said identification information item indicates that recording of a data signal into said primary recording region by a user is possible and, in addition, main data recorded in said primary recording region is encrypted, recording of said main data (See col. 1, lines 44-68 to col. 2, lines 1-20).

But Lokhoff et al. does not expressly disclose inhibiting reproducing of said main data.

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include an invalid key information for inhibiting reproducing the main data in order to recording/read a large number of different types of information, classifies the recording mediums in categories, which represent the type of the recording medium and prohibits the large-scale evasion of copyrights, as suggested by Lokhoff et al.

Regarding claim 7, Lokhoff et al. in combination with Muramatsu et al. discloses all the limitation based on claim 4 as outlined above.

Lokhoff et al. further discloses a recording apparatus that further comprising means for continuing, when main data recorded in said primary recording region is not encrypted, recording of said main data (See col. 1, lines 44-68 to col. 2, lines 1-20).

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29), but Lokhoff et al. does not expressly disclose a reproducing apparatus for reproduction of main data recorded in said primary recording region.

However, this feature is well known in the art as evidenced by Muramatsu et al., which discloses a reproducing apparatus for the reproduction of main data recorded in said primary recording region (See col. 3, lines 7-17; col. 4, lines 25-26; Fig. 4)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include a reproducing apparatus for reproduction of main data recorded in said primary recording region as teaches by Muramatsu et al., in order to recording/read a large number of different types of information according to the control information in the secondary recording region which represent the type of the recording medium as suggested by Lokhoff et al.

Regarding clam 8, Lokhoff et al. discloses a disk-shaped recording medium comprising (See col. 6, lines 20-22):

(a) a primary recording region into which a user is able to record a data signal (See col. 6, lines 33-35; Fig. 3a, 3e)

and (b) a secondary recording region which is located on the side of an internal periphery of said primary recording region (See Fig. 3a, 3c)

and into which a signal representative of control information is already prerecorded at the time of the manufacture of said recording medium (See col. 1, lines 44-46; col. 6, lines 29-33),

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29), but Lokhoff et al. does not expressly disclose a reproducing apparatus for reproduction of main data recorded in said primary recording region.

However, this feature is well known in the art as evidenced by Muramatsu et al., which discloses a reproducing apparatus for the reproduction of main data recorded in said primary recording region (See col. 3, lines 7-17; col. 4, lines 25-26; Fig. 4), said reproducing apparatus comprising:

a pickup for reading a signal from said recording medium (See col. 4, line 30; Fig. 4, Ref. # 33);

means for shifting said pickup in a direction toward an internal periphery of said recording medium until said pickup reaches its shift limit point (See col. 4, line 50-63; col. 4, lines 64-67 to col. 5, lines 1-26);

and means for starting reproduction of said main data recorded in said primary recording region according to said control information in said secondary recording region obtained finally from an output of said pickup during shifting of said pickup, so that even when false control information is copied into said primary recording region said false control information is ignored (See col. 4, lines 30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include a reproducing apparatus for reproduction of main data recorded in said primary recording region as teaches by Muramatsu et al., in order to recording/read a large number of different types of information according to the control information in the secondary recording region which represent the type of the recording medium as suggested by Lokhoff et al.

Regarding claim 9, Lokhoff et al. in combination with Muramatsu et al. discloses all the limitation based on claim 8 as outlined above.

Lokhoff et al. further discloses control information in said secondary recording region including invalid key information for inhibiting, when encrypted main data is copied into said primary recording region, recording of said main data and wherein said recording apparatus further comprises means for canceling, when main data recorded in said primary recording region is encrypted, recording of said main data according to said invalid key information item. (See col. 1, lines 41-68 to col. 2, lines 1-20, col. 3, lines 26-45).

But Lokhoff et al. does not expressly disclose inhibiting reproducing of said main data.

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include an invalid key information for inhibiting reproducing the main data in order to recording/read a large number of different types of information, classifies the

recording mediums in categories, which represent the type of the recording medium and prohibits the large-scale evasion of copyrights, as suggested by Lokhoff et al.

Regarding claim 10, Lokhoff et al. in combination with Muramatsu et al. discloses all the limitation based on claim 8 as outlined above.

Lokhoff et al. further discloses wherein said control information in said secondary recording region includes an identification information item representative of the type of said recording medium;  
and wherein said recording apparatus further comprises means for canceling, when said identification information item indicates that recording of a data signal into said primary recording region by a user is possible and, in addition, main data recorded in said primary recording region is encrypted, recording of said main data (See col. 1, lines 44-68 to col. 2, lines 1-20).

But Lokhoff et al. does not expressly disclose inhibiting reproducing of said main data.

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include an invalid key information for inhibiting reproducing the main data in order to recording/read a large number of different types of information, classifies the recording mediums in categories, which represent the type of the recording medium and prohibits the large-scale evasion of copyrights, as suggested by Lokhoff et al.

Regarding claim 11, Lokhoff et al. in combination with Muramatsu et al. discloses all the limitation based on claim 8 as outlined above.

Lokhoff et al. further discloses a recording apparatus that further comprising means for continuing, when main data recorded in said primary recording region is not encrypted, recording of said main data (See col. 1, lines 44-68 to col. 2, lines 1-20).

Lokhoff et al. discloses the desirability of enables a versatile information recording and/or reproducing systems in accordance with the advantage of the invention (See col. 2, lines 21-29), but Lokhoff et al. does not expressly disclose a reproducing apparatus for reproduction of main data recorded in said primary recording region.

However, this feature is well known in the art as evidenced by Muramatsu et al., which discloses a reproducing apparatus for the reproduction of main data recorded in said primary recording region (See col. 3, lines 7-17; col. 4, lines 25-26; Fig. 4)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include a reproducing apparatus for reproduction of main data recorded in said primary recording region as teaches by Muramatsu et al., in order to recording/read a large number of different types of information according to the control information in the secondary recording region which represent the type of the recording medium as suggested by Lokhoff et al.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to information recording medium.
- a) U.S. Pat. No. 5,793,741 to Kashihara et al., which discloses a control information-recording region.
  - b) U.S. Pat. No. 5,940,364 to Ogata et al., which discloses an optical disk including wobbled guiding groove composed of pits, optical disk manufacturing apparatus, and optical disk recording/reproducing apparatus.
  - c) U.S. Pat. No. 6,483,787 to Sugasawa et al., which discloses a reproduction apparatus.
  - d) U.S. Pat. No. 6,310,854 to Sato et al., which discloses an optical disk includes a standard area of a standard recording density provided on an inner peripheral side and a high density area of a higher recording density provided on an outer peripheral side.
  - e) U.S. Pat. No. 6,005,839 to Sako et al., which discloses a data recording apparatus, data record medium and data reproducing apparatus.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu. (8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HOF SASS R JEFFERY can be reached on (703) 305-4717. The fax phone numbers



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for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc  
February 20, 2003



Richmond Dorvil  
Primary Examiner